

Application No: [W 18 / 2387](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles
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Registration Date: 14/12/18
Expiry Date: 15/03/19

73 Warwick Street, Leamington Spa, CV32 4RQ

Demolition of the existing building (currently Peacocks) and the construction of a new building comprising retail space and servicing area on the ground floor with residential accommodation above on five floors creating 26 apartments consisting of 9 x one beds; 16 x two beds and 1 x three bed. FOR TAG Exclusive Properties Urban Ltd; Mr David J Tucker; Mrs Barbara L Tucker and

This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

That subject to the completion of a Unilateral Undertaking to remove the site from the parking permit scheme, planning permission is GRANTED with conditions.

Should a satisfactory Unilateral Undertaking not have been completed by 5 November 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision for vehicle parking.

DETAILS OF THE DEVELOPMENT

The proposal seeks the demolition of the existing retail building currently occupied on the ground floor by Peacocks and the erection of a 4 and 5 storey building to contain retail at ground floor with a total of 26 flats above.

At ground floor level, the retail use would be retained with a total floor space of 500 square metres. Access to the flats and bin/cycle storage would be gained from Oxford Row via separate entrances. A total of 45 cycle spaces would be provided within a secure area.

The first floor would contain 7 apartments (3 x one-bedroom and 4 x two-bedroom). There would also be residential courtyards provided on this level.

The second floor would contain 7 apartments (3 x one-bedroom and 4 x two-bedroom).

The third floor would contain 7 apartments (2 x one-bedroom and 5 x two-bedroom).

The fourth would contain 1 x one-bedroom apartment. Also on the 4th floor would be the ground floor of duplex apartments that span onto the fifth floor. The fourth floor also contains external terrace areas together with a retail plant area.

There are a total of 4 duplex apartments consisting of 3 x two-bedroom apartments and 1 x three-bedroom apartment.

The fifth floor would also contain external terrace areas for the duplex apartments.

THE SITE AND ITS LOCATION

The application occupies a prominent corner of Warwick Street and Guy Street and also backs onto Oxford Row. The main frontage lies opposite to the Warwick Street entrance of the Royal Priors shopping centre.

The existing building is a tall, predominantly flat roofed structure set over 4 floors. The exterior is made up of a single retail unit at ground floor with entrances onto Warwick Street and the corner of Guy Street/Oxford Row.

The site occupies a prominent corner location in the Royal Leamington Spa Conservation Area at the junction of Warwick Street, Oxford Street and Oxford Row. It has a frontage to each of these streets and 'wraps around' listed buildings fronting onto Warwick Street.

The building comprises an 'L' shaped modern building on the street frontages with an older lower building behind. This modern building has arches on the ground floor with shop windows and a largely blank, tiled elevation above to Warwick Street and Guy Street, with windows to Oxford Row; it presently has a flat roof.

The building currently has a basement storage area with retail on ground floor; the first, second floor and third floors are not in use but have been used for storage and staff facilities. To the north of the site is the Chandos Street public car park.

The existing building flanks onto a row of Listed, Regency Terraces and the appearance of the existing building in terms of the facing materials jars with the existing character of these Heritage Assets.

PLANNING HISTORY

W/11/0320 – Application for an extension of the time limit for the implementation of planning permission W/04/1111 for the part demolition of the existing building and the construction of alterations to provide retail storage and a fire escape in the basement, retail on the ground floor and 18no. flats above – GRANTED 28.06.2013

W/04/1111 – Part demolition of existing building. Construction of alterations and extensions to provide retail storage and a fire escape in the basement, retail on the ground floor with 18 flats above – GRANTED 05.04.2006.

W/03/1574 - Part demolition of existing building. Construction of alterations and extensions to provide retail storage and fire escape in the basement, retail on the ground floor with 22 flats above – WITHDRAWN – 16.03.2004.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TC3 - Providing for Shopping Growth in Leamington Town Centre (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Maintain objection on the following grounds;

1. The height, mass and bulk of the proposed building has still not been amended following comments from CAF and our previous objection - it is out of keeping with this area and within the Conservation Area
2. Policy H2 of the Local Plan requires 40% affordable housing provision on sites of 11 or more dwellings. The developer argues the case for the viability of the scheme depending upon having no affordable element. We would like to see the provision of at least some affordable units, if not 40%.
3. Negative impact on the neighbours' amenity in terms of noise and potential overlooking.

4. Flooding information required by the LLFA is still outstanding.

The Town Council notes that WCC Highways now has no objection following the submission of the unilateral undertaking for the removal of parking permits for future residents. This will mean all residents of this development parking in surrounding residential areas and in Covent Garden (until its demolition) thus adding to existing parking pressures. A reduction in the size of the development would help ease this, particularly as there is now no onsite parking provision proposed.

WDC Environmental Health: No objection subject to conditions on noise, insulation, opening hours and construction management.

WDC CCTV: No objection.

WDC Sport and Leisure: No objection.

WDC Open Space: Recommend contribution of £108,252 towards open space improvements.

WDC Waste Management: Would expect the scheme to provide appropriate waste facilities for refuse and recycling which is easily accessed from the public highway.

Historic England: No objection.

WCC Highways: No objection subject to a TRO to remove on-street parking permits.

WCC Flood Risk Management: Require further details of surface water drainage works to reduce runoff levels.

Public Response: 2 letters have been received making the following comments;

- The development could have serious financial impact for adjacent tenants as there will be major disruption to the traffic flow in Oxford Row and access to the entrance to the businesses which would restrict clients entering the premises
- The business interruption will need to be addressed financially.
- The fire escape currently shown MUST NOT be used as a means of regular access to this development
- Subterranean activities whilst the underground car park/basement is excavated and potential damage to the adjacent properties with the digging and potential water course disruption
- Whilst the concept of the development may not be unreasonable, it is felt that the scale of the proposed development will unreasonably put the physical structure of 75 Warwick St at risk, destroy the quiet enjoyment of the premises with consequent damage to the Hairdressing business and the ability to let the flats above and restrict the enjoyment of natural light at the rear due to the height of the proposed new building.

ASSESSMENT

Principle of Development

The principle of development in this case is twofold; the creation of residential units and the replacement of the existing ground floor retail use.

The site lies within the Town Centre of Royal Leamington Spa. The town is identified as an Urban Area within Policy H1 of the Local Plan where the principle of new development is considered to be acceptable.

The proposal retains the existing ground floor retail use and Officers are satisfied that the proposal would also accord with Policy TC3 that seeks to protect retail uses within Town Centres. The proposal retains approximately 500 sq metres of retail floor space compared to the existing 530 square metres. This marginal loss of floor space is considered acceptable as the modern design of the structure allows for the provision of the floor space in an open plan form without the need for pillars and other structural elements throughout the ground floor area.

The existing building has retail space on upper floors. However, this has not been used for a significant period and is unlikely to be reinstated for retail purposes. Therefore, the loss of this floorspace on the upper floors would not result in any harm to the vitality or viability of the Town Centre. It is also noted that planning permission was granted for the loss of the upper retail floors with the previous applications granted on the site.

Subject to an assessment of site specific criteria, the proposal is considered to be acceptable in principle.

Impact on character of the Conservation Area, design and the impact on the visual amenity and character of the surrounding area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Section 16 of the NPPF sets out a framework for the assessment of applications that affect Heritage Assets and requires great weight to be afforded to the assets conservation. Development must have regard to the Heritage Asset and proposals that result in harm to the asset must be assessed against any public benefits that outweigh the harm.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Warwick District Council Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure

that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

In addition, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The existing building is a tall, three/four storey flat roof building consisting of a retail unit at ground floor with ancillary, vacant space on the upper floors. The building is clad with an offset limestone tile effect to the external walls with minimal fenestration above ground floor on the Warwick Street elevation. The side elevation facing onto Guy Street is also predominantly solid above ground floor level with some glazing for the stairwells breaking up the otherwise solid side elevation. The elevation facing Chandos Street car park has some glazing at first and third floor level but the predominant façade is solid without any features other than the offsite tiled finish that characterises the overall building.

The Conservation Officer has considered the proposal and has raised no objection to the demolition of the existing building as the current 1960's structure contrasts starkly with the adjacent and prevailing Regency Character of this part of the Royal Leamington Spa Conservation Area. The current building is considered to have a detrimental impact on the character and appearance of the Conservation Area.

Officers also note that the earlier scheme granted permission under reference W/04/1111 (and renewed under reference W/11/0320) allowed for the demolition of the building and the erection of new building containing multiple flats above a ground floor retail premises. It was acknowledged in this earlier permission that the building was deleterious to the character of the Royal Leamington Spa Conservation Area.

The proposed scheme has been designed to reinstate the traditional Regency Architectural style for this prominent building. The primary elevation fronting onto Warwick Street will formally reinstate the Regency Architecture and the fenestration detailing will follow that used in the adjacent buildings to reinstate the corner property. The side elevation of the premises where visible from Warwick Street views will also reinstate the uniform Regency architectural style. As the side elevation travels along Guy Street, the fenestration begins to move away from the traditional Regency style and becomes less formal giving the building a modern appearance whilst still retaining the window hierarchy and scale of a Regency Building. The rear elevation on Oxford Row and facing Chandos Street car park retains the proportion of the buildings but the fenestration is set out in a less formal arrangement that gives the building a clean and crisp, modern appearance whilst maintaining the Regency proportions of scale.

The upper levels of the building have a significant setback from the Warwick Street frontage to ensure that when viewed from this area, the proportions maintain the visual scale of the adjacent properties. The increased areas of height will be set along the Guy Street and Oxford Row elevations to give the building a more commanding appearance that is considered to enhance the existing elevations of the building and give the building more presence within the street scene when viewed from these areas.

The proposed building has been the subject of pre-application advice in order to get to this position where the development is considered to enhance the character of the Conservation Area and make a positive improvement to the character and appearance of the area by providing a building that has a high standard or architectural quality that enhances the amenity of the area whilst carefully balancing the architectural integrity of the area with the new development.

Officers acknowledge that the scheme would replace the existing building with a larger, taller structure. Following substantial pre-application advice with the applicants, the scheme has been designed to have the additional storeys set in from the primary frontage onto Warwick Street. The resultant scheme provides a significant setback from this frontage where the property abuts the Listed Regency terrace. The stepped appearance ensures that the scale on this frontage is complementary to the adjacent buildings and seeks a continuation of the character of this frontage compared to the current situation where the existing building bookends the site with a building of very limited architectural merit or character.

In addition, the building is stepped in from the boundary for part of the Guy Street elevation which assists in reducing the bulk in this location where the site is visible from the main Parade. This set back and the change in character of the design at this level ensures that the Regency style of the building is the predominant character when read in the streetscene.

Moving to the rear of the Guy Street elevation and the Oxford Row elevation, the height increases to 5 stories. The fifth storey is again set in from the main perimeter of the building to provide a stepped appearance so that the additional height does not appear domineering over the local area. The use of a modern, lightweight style of building at this level also aids to reduce the visual bulk of the structure when viewed from the public domain.

Overall, Officers are satisfied that the proposed development would represent a significant improvement to this area of the Royal Leamington Spa Conservation Area and would be an asset to the overall character of the Town Centre.

The proposal is therefore considered acceptable having regard to Policies BE1 and HE1 of the Local Plan.

Impact on the character and setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The building lies adjacent to a range of Listed Buildings fronting onto Warwick Street. These buildings are Regency architecture and the current building on the application site is at odds with the intrinsic character of these properties with the monolithic front façade with its 4 storey blank frontage. The provision of the building constructed in the Regency architectural style will provide a new development that respects and complements the Listed Buildings and will result in a positive contribution to their setting.

Officers acknowledge that the scheme would replace the existing building with a larger, taller structure. Following substantial pre-application advice with the applicants, the scheme has been designed to have the additional storeys set in from the primary frontage onto Warwick Street where the building is read in the context of the adjacent Listed Buildings. The scheme provides a significant setback from this frontage where the property abuts the Listed Regency terrace. The stepped appearance ensures that the scale on this frontage is complementary to the Listed Buildings and does not attempt to smother or diminish the character or setting of these buildings.

The proposed site provides a mixture of character, with a typically Regency arrangement with proper alignment of windows on the Warwick St elevation and first block of Guy St. The scheme submitted represents an excellent regeneration opportunity that results in the reinstatement of the listed terrace and would be a welcome addition to Leamington Spa. Overall the scheme is considered to have a positive impact on the character and setting of the adjacent Listed Buildings.

A condition to secure large scale details for all windows proposed and rainwater goods is proposed to ensure that the building is properly detailed to enhance its surrounding.

Subject to the conditions to ensure appropriate detailing, the scheme is considered to accord with Policy HE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are a number of residential properties on the upper floors of adjacent buildings. The scheme has been designed to ensure that there is no detrimental impact on the amenity of these properties. Officers are satisfied that the proposal would not result in the loss of amenity to neighbouring properties either through overlooking, overshadowing or overbearing impact.

The property adjacent to the site fronting onto Oxford Row is a single storey building that, as a result of the scheme would be flanked by a significantly increased building. It is noted that this is a commercial unit and not residential accommodation. The building has its frontage onto Oxford Row and the new building adjacent would not have a greater impact than the existing situation as the bulk of the building would be located to the side of the building only.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan seeks to ensure that new development provides acceptable standards of amenity for future users and occupiers of the development.

All primary rooms within the new development have appropriate levels of amenity and are provided with adequate outlook and light. The scheme has been designed to ensure that the predominant fenestration is located on external areas where there is adequate light and outlook. Where located on the internal elevations, the windows overlook into external terrace areas to provide appropriate light and outlook for all occupiers.

The proposal would retain the retail premises at ground floor level. This would necessitate deliveries etc that have the potential to harm the residential amenity of the occupiers of the flats. This element has been assessed by the District Council Environmental Health Officer who has recommended a scheme of noise insulation to be provided internally together with measure to protect the amenity of future residents from general external noise sources. These details can be secured by condition. Additional protection is afforded by a restriction on delivery hours.

Overall, Officers are satisfied that the scheme provides acceptable living conditions for future occupiers having regard to Policy BE3 of the Local Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The original scheme sought to provide a limited number of parking spaces within a proposed basement area of the building. Following an analysis of the associated costs of creating the basement together with the practical considerations of being adjacent to Listed Buildings, the basement car parking has been omitted from the scheme. Therefore, the scheme does not propose any on-site, off-street car parking.

Officers have considered the potential impact of this proposal having a nil provision of car parking on site and note that the site is located in the very heart of Royal Leamington Spa town centre which has a full range of facilities within easy walking distance of the site. In addition, the main bus routes are also located a short distance from the site on The Parade providing regular and comprehensive access to the surrounding area.

The Parking Standards SPD does acknowledge that lower parking requirements can be accepted where a site is located within an area which is highly accessible and the example given is a town centre location. This scheme would accord with that proviso and future occupants would not be reliant on a car for day to day living.

The applicants have also provided additional justification for the non-provision of car parking that makes reference to the declaration of a 'climate emergency by Warwick District Council at the full Council meeting in June 2019. The short

message from such a declaration is 'the need for responsive action to the threat of climate change' and the need to change the way we live our lives across a wide spectrum of actions to address the threat of climate change. A key aspect of this aim is to reduce travelling distances, and where travel occurs, ensure that there are genuine opportunities to travel other than by the motor car.

These principles can be applied to this development, where it is, by reasoning of the easy access to shops, services and public transport, counter-productive to provide the level of car parking sought within WDC Parking Standards SPD.

The applicants note that the SPD dated June 2019 does not make reference to 'climate change'. The SPD does refer to 'lower provision maybe justified where the application site is located within an area which is highly accessible (for example within the town centres as defined the Local Plan)'.

In the applicant's submission they state that a lead can be taken by the Local Planning Authority in welcoming this scheme in not providing off street car parking, so as to encourage occupiers not to be reliant upon car ownership and hence a lower propensity for car usage as they believe that we are at a transitional stage in the recognition of the need to change patterns of travel.

In order to cater for some car ownership, the applicants have been in discussions with the Parking Services Team of the District Council to seek the provision of parking permits at Covent Garden for a 2-year period which would provide an appropriate opportunity for occupiers to be 'weaned off' car ownership. Thereafter, there are alternative cost efficient measures for accessing a car when needed e.g. through car clubs etc which can be explored. Technology will increasingly encourage such use and the greater efficiency in car movement.

Officers note that there is a Car Club that offers use of a motor car for a small subscription fee and hourly charge already available within Leamington Spa and this would be an option open to the future occupiers of the development.

In considering the proposal, the County Highways Officer has acknowledged the central location of the site and is satisfied with no provision of off-street parking. In order to prevent additional pressure being put onto on-street parking provision in the area, a Unilateral Undertaking is proposed to omit the proposed flats from the ability to apply for on-street Parking Permits. This has been accepted by the applicants and would prevent additional pressures to on-street parking within the Town Centre.

Officers have considered the proposal with nil-provision of on-site, off-street parking and have considered the justification put forwards by the applicant and the response of the County Highways Officer. In this regard, Officers raise no objection to the scheme from a parking point of view and note that whilst parking permits would be available to occupants, the location of the site is highly sustainable, being located in the very core of the town centre allowing future occupants to access all facilities for day to day living without a reliance on the private car. Officers also acknowledge that there is the potential for future occupants to sign up to a car club if a private vehicle is needed on an ad-hoc basis.

Officers note that the scheme would be marketed without access to car parking for vehicles and this would be a decision for any potential occupier when considering the potential purchase of a property in this town centre location.

The development would retain the existing ground floor use as retail. This would remain largely unchanged and any deliveries to the ground floor would be carried out in the same method as existing. The site is flanked by short term bays together with delivery bays within the vicinity of the site. Officers are therefore satisfied that this development would not result in any harm to highway safety as a result of delivery vehicles servicing the site.

For the above reasons and subject to the completion of a Unilateral Undertaking to prevent the ability to apply for on-street permits, Officers are satisfied that the development has demonstrated that the nil-provision of parking on site would not result in harm to highway safety and would represent an appropriate, sustainable form of development.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

As the proposal seeks the demolition of the existing building, the County Ecologist requested the submission of a bat survey. The applicants engaged the services of a chartered ecologist to carry out an internal and external survey of the building. The resulting survey identified that the building had negligible access and negligible roosting potential for bats. On the basis of the survey work, no further ecological surveys have been recommended. Conditions have been recommended to provide bat and bird boxes to improve the ecological potential of the building moving forwards.

It is also pertinent to add explanatory notes to the decision regarding bats as well as nesting birds in order to protect any species that may be present on the site at the time of the works.

Subject to a condition securing the recommended bat and bird boxes together with notes regarding protected species, Officers are satisfied that the development accords with Policy NE3 of the Local Plan.

Drainage/Flood Risk

The site lies within Flood Zone 1 which is the area at lowest risk of flooding. A flood risk assessment was submitted as part of the submission as the proposal is for a major application. This demonstrates that the site is not in an area that is susceptible to flooding. As such, no remedial action is required.

The Lead Local Flood Authority (LLFA) has sought further information regarding the reduction in surface water runoff from the development as a 50% betterment is generally required for the redevelopment of brownfield sites. In this case, the site is heavily constrained insofar as the existing building occupies 100% of the site and the replacement building will also be built on the same footprint. As such, there is no potential for any external attenuation ponds etc to reduce surface water run off.

Officers also note that there would be no net gain in surface area that would result in any additional surface water run off compared to the existing situation. However, as the requirement of the LLFA is to reduce surface water run-off from the development, Officers consider it appropriate to condition a scheme for attenuation of surface water run off through rainwater harvesting to re-use surface water from the development for uses such as toilet flushing etc. This would then reduce the level of run-off as well as reducing the overall water consumption requirements of the development resulting in a more sustainable form of development.

Affordable Housing/Contributions

Due to the complexities of the site, the applicants have put forward a detailed viability assessment that demonstrates that the build costs of the development would not be viable if the requirement for affordable housing or any other contributions are required.

The viability assessment has been rigorously interrogated by an independent, qualified assessor instructed by the Local Planning Authority.

The assessor has reviewed the information provided by the Applicant, and their viability advisors, on development viability issues to support their full planning application and the scheme has been assessed utilising the layouts, plans and accommodation schedules that have been researched and assessed from the planning portal.

A critical review of the viability analysis has been undertaken and the assumptions that the applicants have adopted which have been compared to the average prices provided by the BCIS to inform the assessment of viability. The Development Viability Appraisal has been carried out using specialist Developer software.

The viability testing is undertaken by comparing a 'residual land value' derived from a deduction of development costs from the end value of a development with a 'threshold' or 'benchmark' land value.

The assessor has determined that the site has a Benchmark Land Value (BLV) of £1.9 million which is the threshold or benchmark for the scheme being viable for the provision of affordable housing and contributions.

As the areas were revised by the Applicant to reduce the basement in the scheme during the negotiation of the planning application, a sensitivity test of the emerging revised areas of the scheme that have been provided by the Applicant has been carried out. The Residual Land Value (RLV) generated equates to £1.68 million. Whilst this indicates that the changes to the scheme have improved viability, the RLV does not exceed the BLV we have assessed (£1.9 million) and hence there is no scope for affordable housing or planning contributions.

The report has been provided by a highly qualified assessor instructed by the Local Planning Authority and Officers are satisfied that the assessment carried out is robust. The conclusion of the assessment is that the scheme would not be viable with a requirement to provide for affordable housing or contributions.

The scheme would still have a requirement to contribute to CIL and so the development would contribute to local infrastructure projects.

Assessment of Housing Mix

The proposal seeks a mixture of sizes of property with a total of 9 x one bedroom apartments, 16 x two bedroom apartments and 1 x three bedroom apartments.

The focus is on smaller accommodation which is a common feature within a town centre location. Officers are satisfied that the mix of accommodation within this development is acceptable.

Conclusion

The principle of development for a replacement retail unit with 26 flats above is considered acceptable having regards to Policies TC3 and H1 of the Local Plan.

The scheme is considered to enhance the character of the Royal Leamington Spa Conservation Area and the setting of the adjacent Listed Buildings by replacing a poor quality building with a new building that reflects and respects the Regency character of the Town Centre location.

The scheme is also considered acceptable in terms of the impact on the amenity of neighbouring properties and provides acceptable amenity for the future occupiers of the new development.

Whilst no car parking is provided on site, Officers are satisfied that the highly sustainable location of the site would reduce the need for access to the private car. A range of alternative provisions are available should occupiers need access to a vehicle from off-street parking provision or access to a car club within Royal Leamington Spa. Additional on-street parking pressures can be adequately mitigated for through the completion of a Unilateral Undertaking to restrict the occupiers of the properties from acquiring on-street permits.

Ecological Matters and Drainage Matters can be mitigated through conditions and notes.

For the above reasons, the application is recommended for approval subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 15087-A-PL-(03)-101_01, 15087-A-PL-(03)-102_01, 15087-A-PL-(03)-103_01, 15087-A-PL-(03)-105_01 and 15087-A-PL-(03)-106_01, 15087-A-PL-(05)-101_01, 15087-A-PL-(05)-102_01 and 15087-A-PL-(05)-103_01, and specification contained therein, submitted on 15 May 2019 and approved drawing(s) 15087-A-PL-(03)-100_02, 15087-A-PL-(04)-100_02, 15087-A-PL-(04)-101_02, 15087-A-PL-(04)-

102_02, 15087-A-PL-(04)-103_02 and 15087-A-PL-(05)-100_02, and specification contained therein, submitted on 15 May 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: details of any temporary measures required to manage traffic during construction, the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust, noise and vibration; demolition or clearance works, site working hours and delivery times, restrictions on burning, and details of all temporary contractors buildings, plant and storage of materials associated with the development process and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON**: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No development shall commence unless and until details of surface water drainage works to include a scheme for surface water runoff reduction methods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON**: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until large scale details of parapets, external fire escape and covered fire escape route leading thereto, render detailing, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and

to satisfy Policy BE1 and HE1 of the Warwick District Local Plan 2011-2029.

- 6 No development shall be carried out above slab level unless and until samples of the external facing materials including details of render and colour thereof to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029
- 8 The ground floor commercial unit hereby permitted shall not be occupied unless and until:
 - a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that premises;
 - b) the results of the noise assessments carried out to comply with criteria (a), together with details of any necessary mitigation measures together with a timescale for implementation, have been submitted to and approved in writing by the local planning authority; and
 - c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 9 The ground floor commercial unit hereby permitted shall not be occupied unless:
 - a) a noise insulation scheme together with a timescale for implementation has been submitted to and agreed in writing by

- the local authority to ensure that noise levels from the proposed ground floor unit do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises; and
- b) the noise insulation scheme approved under (a) has been implemented in full accordance with the approved details.
 - c) A noise report demonstrating that the scheme has been satisfactorily implemented shall be submitted to and agreed in writing by the Local Authority.

Thereafter, the mitigation measures shall be retained at all times and shall not be removed or altered in any way without the prior written approval of the Local Planning Authority.

REASON: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 10 No development above slab level shall commence until a noise assessment has been undertaken and a scheme of works to protect residents of the development from elevated environmental noise entering habitable rooms and the provision of quiet external amenity spaces has been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 11 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 No customers shall be permitted to be on the ground floor retail premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.